

## ORDINANCE

AN ORDINANCE relating to land use and zoning, amending Sections 15.32.300, 23.57.005, 23.57.009, 23.57.010 of the Seattle Municipal Code to generally prohibit minor communication utilities on property in Single Family and Residential Small Lot zones, except when there is no alternative for providing service.

WHEREAS, the Federal Telecommunications Act of 1996 encourages the growth of the telecommunications industry through deregulation, and places certain limits on local governmental authority; and

WHEREAS, the City's Comprehensive Plan calls for universal access to state-of-the-art telecommunication services (Utilities G6) and for encouraging the development of telecommunications infrastructure citywide (Economic Development E24); and

WHEREAS, the City's Comprehensive Plan also requires that minor communication utilities shall be developed in such a manner as to minimize impacts on nearby areas. Consideration shall be given to the following criteria: visual impacts, proximity to schools, neighborhood compatibility, land use and other impacts (Land Use L362); and

WHEREAS, the City of Seattle recognizes the health, safety and public welfare aspects of telecommunication facilities; and

WHEREAS, recent DCLU experience in the review of applications to establish new minor communication utilities in Single Family zones has shown that the physical impacts of such utilities are generally not consistent with the existing character of single family neighborhoods; and

WHEREAS, the City of Seattle will continue to encourage creative approaches in siting telecommunication facilities to minimize the visual and neighborhood character impacts that may be associated with such facilities, while providing for an appropriate range of locations and options for providers.

NOW THEREFORE.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 15.32.300 of the Seattle Municipal Code, which Section was last amended by Ordinance 120181, is amended as follows:

**15.32.300**      **Attachments to City-owned poles.**

\* \* \*

1 C. If additional communication space is available on City-owned poles, after reserving  
2 one (1) space for the City and after accounting for the space occupied by existing services  
3 already on the poles, the City may permit additional attachments in communication space under  
4 the following conditions:  
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6 1. The needs of the City are paramount. The City shall be the determinant  
7 regarding any question of right to attach, construction compliance or contract interpretation  
8 regarding attachment to poles. Permission to make attachments to the City's poles may be  
9 withdrawn for violation of applicable codes, for breach of contract, for failure to supply proof of  
10 required permits, by governmental directive or for any reason associated with the City's  
11 requirements for the use of its poles or public right-of-way. The City may direct the immediate  
12 removal of attachments at the owner's expense, if attachments fail to conform to codes or the  
13 City's requirements, or if attachments interfere with City operations.  
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15 2. All attachments shall be made in accordance with all applicable  
16 codes as well as City electrical standards, guidelines and practices.  
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18 3. All attachments, including co-lashing, shall be subject to prior approval of the  
19 Department of Information Technology, Seattle Transportation and the City Light Department in  
20 accordance with the following principles, requirements and procedures:  
21

22 a. Providing for the safety of the public, City employees, private  
23 contractors, and other users of poles is a fundamental principle which must be observed.

24 b. The primary function of the City's poles is to support the City's  
25 electrical lines and equipment.  
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1 c. The City shall neither replace existing poles with taller poles nor add  
2 crossarms to existing poles to create more communication space on the poles, except as  
3 described in subsection C4 below.  
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5 d. Any new attachments must accommodate any prior agreements  
6 between the City and other entities regarding use of space on the poles.  
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8 e. The City shall not relinquish the one (1) communication space reserved  
9 for its own use on every pole. At the request of the applicant, however, the City shall consider  
10 creating additional space for communication uses on the poles by taking such actions as  
11 removing secondary rack wiring and substituting triplex wire, moving streetlight fixtures, guy  
12 wires and other attachments to the poles and by providing for co-lashing. Any actions  
13 undertaken to create more communication space shall be considered make-ready work, and any  
14 such costs shall be borne by the applicant.  
15

16 f. Approval of attachments may include requirements for extra mitigation  
17 measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts,  
18 parks, historic districts and viewsheds. All such extra measures, including any additional public  
19 involvement and/or environmental review, shall be taken in accordance with directives from the  
20 Superintendent of the City Light Department, and all costs associated with such extra measures  
21 and review shall be paid by the applicant.  
22

23 g. All make-ready costs such as costs for any permits, environmental  
24 review, adjustment of other equipment on the pole, tree replacement and tree trimming, shall be  
25 paid by the applicant prior to making any attachments to the poles.  
26

27 h. As a condition of securing the City's permission to use its poles for  
28 attachment of cable, all applicants shall be required to permit co-lashing to their own cable of up

1 to two (2) other cables, which may be owned and operated by other entities. All cable  
2 attachments that initially occupy a space on a City-owned pole shall be required to provide an  
3 external or internal support ("messenger") wire that is capable of supporting two (2) other cables  
4 in addition to the initial cable installed by the applicant. Owners of cable subsequently co-lashed  
5 to the initial cable shall pay the owner of the initial cable a proportionate share of the cost of the  
6 messenger wire. All entities co-lashing together shall be required to provide one another with  
7 reciprocal indemnity provisions equivalent to those which must be granted to the City by each of  
8 them pursuant to Section 15.32.150. Co-lashing shall not be required of any applicant until all  
9 other spaces on the pole, other than the City's reserved space, have been utilized. The City Light  
10 Department shall issue a Department Policy and Procedure for providing co-lashing space based  
11 on costs, operational convenience, cable size, and other criteria which are developed in the  
12 course of producing such Department Policy and Procedure.

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16 i. In addition to the indemnification required by Section 15.32.150, the  
17 City may require that the applicant provide the City and entities permitted to co-lash with  
18 additional indemnification, such as indemnification from a parent company, and/or require that  
19 the applicant provide proof of specific insurance provisions acceptable to the City which cover  
20 potential exposure of both the applicant and the City.

21  
22 j. As a further condition of securing the City's permission to use its poles  
23 for attachment of cable, all applicants upon request shall be required to provide the City with  
24 capacity on the applicant's cable over and above the capacity specifications submitted by the  
25 applicant. Such additional capacity may be in the form of dedicated fiber or dedicated space on  
26 the same cable being installed by the applicant or in the form of separate cable, as specified by  
27 the Department of Information Technology, and shall be dedicated to the City for as long as the  
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1 cable is attached to the City's poles. The City shall have the right to use that capacity for any  
2 governmental purpose and the right to lease that capacity to any public or nonprofit entities. The  
3 incremental costs of adding the specified amount of capacity for the City shall be borne by the  
4 City.  
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6 k. Applications for attachment to City-owned poles shall be submitted to  
7 the City Light Department. The City Light Department shall then coordinate that request with  
8 Seattle Transportation and the Department of Information Technology. Approval of all three (3)  
9 departments shall be required prior to the issuance of a permit to attach to the poles.  
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11 l. All applications for pole attachment shall be considered on a first-come,  
12 first-serve basis, provided that where space is limited, attachment permits shall be given first to  
13 public entities, second to entities which are common carriers, third to entities which request  
14 attachment to six (6) poles or less for their own private communication needs, and fourth to  
15 others.  
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17 m. If no space can be created on the poles requested, the applicant may  
18 seek an exception to any of the requirements set forth in this section by submitting a written  
19 request to a three (3) person review committee comprised of one (1) representative each from the  
20 Department of Information Technology, Seattle Transportation and the City Light Department.  
21 The committee shall review the request with reference to considerations which may warrant  
22 making an exception including, but not limited to reduced environmental effects, the lack of  
23 alternatives for achieving equivalent service available to the applicant, the lack of alternative  
24 routing which can be made available and the feasibility of undergrounding all or part of the  
25 cable. After engaging in a review of the application, the committee shall forward a  
26 recommendation to the Mayor and City Council. Exceptions will not be recommended where the  
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1 City Light Department believes the safety will be compromised by the granting of an exception.

2 Any exceptions to the requirements of this section must be approved by ordinance.

3 n. All entities that are provided attachments to City-owned poles, other  
4 than Class II attachments, including attachments by means of co-lashing, shall pay a rental fee  
5 for each such attachment at a rate established by ordinance. All income from such pole rental  
6 rates shall be paid into the Light Fund.  
7

8 4. Provisions for Special Attachments.

9 a. Class II attachments shall be limited to situations where: (i) make-  
10 ready costs are paid by the provider; (ii) pole/equipment, installation, operation, and  
11 maintenance costs are paid by the provider; and (iii) visual impacts of antennas and other  
12 attachments are reduced to a degree acceptable to the Superintendent.  
13

14 b. Class II attachments for minor communication utilities, as defined by  
15 SMC 23.84.006, are prohibited in rights-of-way in Single Family and Residential Small Lot  
16 zones, except when permitted by SMC subsection 23.57.009 A.  
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18 ((b-))c. Class II attachment requests are subject to public notice and  
19 comment. Approval of attachments may include requirements for extra mitigation measures in  
20 certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic  
21 districts and view-sheds. All such extra measures, including any additional public involvement  
22 and/or environmental review, shall be taken in accordance with directives from the  
23 Superintendent of the City Light Department, and all costs associated with such extra measures  
24 and review shall be paid by the applicant. Where a request meets the following criteria in Seattle,  
25 the applicant shall apply to DCLU and pay for an attachment siting review and recommendation  
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consistent with the application, fee, notice, timeline and criteria for an administrative conditional use permit. The DCLU recommendation shall be advisory to the Superintendent:

Zone	Street Type	Zoning Height Limit	Pole Height Requested
<del>((SF,))</del> L1, NC1	Non-Arterial	<40'	<60'
<del>((SF,))</del> L1, NC1	Arterial	<40'	>60'
L2, L3, L4, NC2	Either	<40'	>60'
NC3, C, I, MI	Either	<40'	>60'

~~((e-))~~d. Where the request is for a location outside Seattle, the applicant shall comply with all applicable requirements of the local jurisdiction where the property is located.

~~((e-))~~e. Class II attachments shall be permitted substantially in the form of the site agreements authorized by Ordinance 118737,<sup>1</sup> together with special terms and conditions within the site agreement.

~~((e-))~~f. Class II rental rates shall be established at fair market value as determined by the City Light Department and set forth in the special terms and conditions within the site agreement. All income from such Class II rental rates shall be paid into the Light Fund.

Section 2. Section 23.57.005 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

**23.57.005 Permitted and prohibited locations.**

A. Single Family, Residential Small Lot, Lowrise, Midrise, Highrise, ~~((and))~~ Neighborhood Commercial 1, 2 and 3, and the Seattle Cascade Mixed Zones.

1. New major communication utilities shall be prohibited.

2. Physical expansion of existing major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to development standards in Section 23.57.008.

3. The addition of new minor communication utilities to an existing tower is prohibited in Single Family and Residential Small Lot zones, except when permitted by subsection 23.57.009 A.

4. The following activities shall be permitted outright for existing communication utilities and accessory communication devices: structural alteration to meet safety requirements, replacement on-site, maintenance, renovation, or repair.

5. The addition of new accessory communication devices (~~or new minor communication utilities~~) to an existing tower shall be permitted outright, (~~except as follows~~) provided that: No more than a total of fifteen (15) horn and dish antennas which are over four feet (4') feet in any dimension may be located on an existing tower, unless the applicant submits copies of Federal Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing fifteen (15) horn and dish antennas over four feet (4') feet in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

#### B. Commercial 1 and 2 Zones.

##### 1. New Major Communication Utilities.

a. Single-occupant major communication utilities may be permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and according to the development standards in Section 23.57.008.



1                   b. Shared-use major communication utilities may be permitted by  
2 Administrative Conditional Use under the criteria listed in Section 23.57.007 and according to  
3 development standards in Section 23.57.008.  
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5                   2. Physical expansion of existing major communication utilities may be  
6 permitted by Council Conditional Use under the criteria listed in Section 23.57.006 and  
7 according to development standards in Section 23.57.008.  
8

9                   3. The following activities shall be permitted outright for existing communication  
10 utilities and accessory communication devices: structural alteration to meet safety requirements,  
11 replacement on-site, maintenance, renovation, or repair.

12                  4. The addition of new accessory communication devices or new minor  
13 communication utilities to an existing tower shall be permitted outright, except as follows: No  
14 more than a total of fifteen (15) horn and dish antennas which are over four feet (4') feet in any  
15 dimension may be located on an existing tower, unless the applicant submits copies of Federal  
16 Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of  
17 the existing fifteen (15) horn and dish antennas over four feet (4') in any dimension, plus any  
18 proposed additional such horn or dish antennas, are accessory to the communication utility.  
19

20                  C. Downtown Zones.  
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22                  1. In Pioneer Square Mixed, International District Mixed, International District  
23 Residential and Pike Market Mixed Zones, new major communication utilities shall be  
24 prohibited.  
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26                  2. In all other downtown zones, establishment or physical expansion of major  
27 communication utilities may be permitted, whether single-occupant or shared, by Administrative  
28

1 Conditional Use under the evaluation criteria listed in Section 23.57.007 and according to  
2 development standards in Section 23.57.008.

3           3. The following activities shall be permitted outright for existing communication  
4 utilities and accessory communication devices: structural alteration to meet safety requirements,  
5 replacement on-site, maintenance, renovation, or repair.  
6

7           4. The addition of new accessory communication devices or new minor  
8 communication utilities to an existing tower shall be permitted outright, except as follows: No  
9 more than a total of fifteen (15) horn and dish antennas which are over four feet (4') in any  
10 dimension may be located on an existing tower, unless the applicant submits copies of Federal  
11 Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of  
12 the existing fifteen (15) horn and dish antennas over four feet (4') in any dimension, plus any  
13 proposed additional such horn or dish antennas, are accessory to the communication utility.  
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16       D. Industrial Zones.

17           1. Establishment or physical expansion of major communication utilities,  
18 whether single-occupant or shared, may be permitted by Administrative Conditional Use under  
19 the criteria listed in Section 23.57.007 and the development standards in Section 23.57.008.  
20

21           2. The following activities shall be permitted outright for existing communication  
22 utilities and accessory communication devices: structural alteration to meet safety requirements,  
23 replacement on-site, maintenance, renovation, or repair.

24           3. The addition of new accessory communication devices or new minor  
25 communication utilities to an existing tower shall be permitted outright, except as follows: No  
26 more than a total of fifteen (15) horn and dish antennas which are over four feet (4') in any  
27 dimension may be located on an existing tower, unless the applicant submits copies of Federal  
28

Communications Commission licenses, as provided in Section 23.57.008 G, showing that all of the existing fifteen (15) horn and dish antennas over four feet (4') in any dimension, plus any proposed additional such horn or dish antennas, are accessory to the communication utility.

Section 3. Section 23.57.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

**23.57.009 Permitted and prohibited locations for all minor communication utilities, and development standards for minor communication utilities with freestanding transmission towers in all zones.**

A. Permitted And Prohibited Locations For All Minor Communication Utilities. New minor communication utilities and accessory communication devices shall be regulated as provided in Sections 23.57.010, 23.57.011, 23.57.012, 23.57.013, 23.57.014, ~~((and))~~ 23.57.015, and 23.57.016. However, minor communication utilities shall be permitted at any location as a Special Exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, if the applicant can demonstrate by technical studies that:

~~((1))~~ 1. ~~((the))~~ The facility is for commercial mobile service, unlicensed wireless services, fixed wireless service, or common carrier wireless exchange access service as defined by applicable federal statutes or regulations; and

~~((2))~~ 2. ~~((a))~~ A facility at the site proposed is necessary to close an existing significant gap or gaps in the availability of a wireless carrier's communication service ~~((or to provide additional call capacity))~~ and that, absent the proposed facility, remote users of a wireless carrier's service are unable to connect with the land-based national telephone network, or to maintain a connection capable of supporting a reasonably uninterrupted communication; and

1                   ((3)) 3. ~~((that the))~~ The facility and the location proposed is the least intrusive  
2 facility at the least intrusive location consistent with effectively closing the service gap. In  
3 considering the degree of intrusiveness, the impacts considered shall include but not be limited  
4 to visual, noise, compatibility with uses allowed in the zone, traffic and the displacement of  
5 residential dwelling units in a residential zone.  
6

7           B. Third-Party Review. The Director may require third-party review to verify the  
8 accuracy of the technical studies submitted by the applicant to show that the proposal meets the  
9 standards of subsection 23.57.009 A. The third-party reviewer must be a licensed radio  
10 frequency engineer, paid for by the applicant and selected by the Director. The Director will  
11 determine when third-party review is required by relying on DCLU's previous experience in the  
12 review of similar applications.  
13

14           ~~((B.))~~ C. Interior Locations. Minor communication utilities located entirely within the  
15 interior of a structure shall be permitted outright on lots developed with non-single family  
16 principal uses in single family zones, and on all lots in all other zones. The installation of the  
17 utility shall not result in the removal of a dwelling unit in a residential zone.  
18

19           ~~((C.))~~ D. Minor communication utilities with freestanding transmission towers shall be  
20 subject to the access, setback, screening and landscaping requirements for major communication  
21 utilities in subsections B, C, E and H of Section 23.57.008 in addition to the standards of each  
22 zone as described in this chapter.  
23

24           Section 4. Section 23.57.010 of the Seattle Municipal Code, which Section was last  
25 amended by Ordinance 120928, is amended as follows:

26 **23.57.010      Single Family and Residential Small Lot zones.**  
27

28           A. Uses Permitted Outright.

1 1. Amateur radio devices accessory to a residential use that meet the  
2 development standards of subsection ((E)) C are permitted outright.

3 ~~((2. Minor communication utilities are permitted outright on existing  
4 freestanding major or minor telecommunication utility towers. Minor communication utilities  
5 locating on major communication utility towers are subject to the limitations of Sections  
6 23.57.003 and 23.57.005.))~~

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8 ~~((B. Accessory Communication Devices.))~~

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10 ~~((1.))~~ 2. Accessory ((E)) communication devices, regulated by this chapter  
11 pursuant to Section 23.57.002, that are accessory to residential uses and meet the development  
12 standards of subsection ((E)) C are permitted outright;

13 ~~((2.))~~ 3. Accessory ((E)) communication devices on the same lot as and accessory  
14 to institutions, public facilities, public utilities, major institutions and nonconforming residential  
15 uses, which meet the development standards of subsection ((E)) C are permitted outright.

16  
17 B. Prohibited Uses. The establishment of new minor communication utilities are  
18 prohibited, except when permitted by subsection 23.57.009 A.

19 ~~((C. Uses Permitted by Administrative Conditional Use.~~

20 1. ~~The following may be permitted by Administrative Conditional Use, pursuant~~  
21 ~~to criteria listed in Subsection C2, as applicable:~~

22 a. ~~The establishment or expansion of a minor communication utility,~~  
23 ~~except on lots zoned Single Family or Residential Small Lot and containing a single family~~  
24 ~~residence or no use.~~

25 b. ~~Mechanical equipment associated with minor communication utilities~~  
26 ~~whose antennas are located on another site or in the right of way, where the equipment is~~  
27  
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1 ~~completely enclosed within a structure that meets the development standards of the zone. The~~  
2 ~~equipment shall not emit radiofrequency radiation, and shall not result in the loss of a dwelling~~  
3 ~~unit. Antennas attached to City-owned poles in the right-of-way shall follow the terms and~~  
4 ~~conditions contained in Section 15.32.300.~~

6 ~~2. Administrative Conditional Use Criteria.~~

7 ~~a. The proposal shall not be significantly detrimental to the residential~~  
8 ~~character of the surrounding residentially zoned area, and the facility and the location proposed~~  
9 ~~shall be the least intrusive facility at the least intrusive location consistent with effectively~~  
10 ~~providing service. In considering detrimental impacts and the degree of intrusiveness, the~~  
11 ~~impacts considered shall include but not be limited to visual, noise, compatibility with uses~~  
12 ~~allowed in the zone, traffic, and the displacement of residential dwelling units.~~

14 ~~b. The visual impacts that are addressed in section 23.57.016 shall be~~  
15 ~~mitigated to the greatest extent practicable.~~

17 ~~c. Within a Major Institution Overlay District, a Major Institution may~~  
18 ~~locate a minor communication utility or an accessory communication device, either of which~~  
19 ~~may be larger than permitted by the underlying zone, when:~~

20 ~~(i) The antenna is at least one hundred feet (100') from a MIO~~  
21 ~~boundary, and~~

23 ~~(ii) The antenna is substantially screened from the surrounding~~  
24 ~~neighborhood's view.~~

25 ~~d. If the proposed minor communication utility is proposed to exceed the~~  
26 ~~permitted height of the zone ((or is a transmission tower)), the applicant shall demonstrate the~~  
27 ~~following:~~

1 (i) ~~The requested height is the minimum necessary for the~~  
2 ~~effective functioning of the minor communication utility, and~~

3 (ii) ~~Construction of a network of minor communication utilities~~  
4 ~~that consists of a greater number of smaller less obtrusive utilities is not technically feasible.~~

5 e. ~~If the proposed minor communication utility is proposed to be a new~~  
6 ~~freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible~~  
7 ~~for the proposed facility to be on another existing transmission tower or on an existing building~~  
8 ~~in a manner that meets the applicable development standards. The location of a facility on a~~  
9 ~~building on an alternative site or sites, including construction of a network that consists of a~~  
10 ~~greater number of smaller less obtrusive utilities, shall be considered.~~

11 f. ~~If the proposed minor communication utility is for a personal wireless~~  
12 ~~facility and it would be the third separate utility on the same lot, the applicant shall demonstrate~~  
13 ~~that it meets the criteria contained in subsection 23.57.009 A, except for minor communication~~  
14 ~~utilities located on a freestanding water tower or similar facility.~~

15 D. ~~Uses Permitted by Council Conditional Use. The establishment or expansion of a~~  
16 ~~minor communication utility other than as described in subsection C above, may be permitted as~~  
17 ~~a Council Conditional Use, pursuant to the following criteria, as applicable:~~

18 1. ~~The proposal is for a personal wireless facility that meets the criteria contained~~  
19 ~~in subsection 23.57.009A;~~

20 2. ~~If located on a lot developed with a single family dwelling, the proposed minor~~  
21 ~~communication utility is clearly incidental to the use of the property as a dwelling;~~

3. ~~If the proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.))~~

((E.)) C. Development Standards for Accessory Communication Devices.

1. Location. ~~((Minor communication utilities and a))~~ Accessory communication devices regulated pursuant to Section 23.57.002 and amateur radio towers:

a. Are prohibited in the required front yard, and amateur radio towers are additionally prohibited in side yards.

b. When ground-mounted, shall be included in lot coverage and rear yard coverage calculations. For dish antennas, lot coverage shall be calculated with the dish in a horizontal position.

c. May be located on rooftops of non-residential buildings, but shall not be located on rooftops of principal or accessory structures containing residential uses, except as provided in subsection ~~((E5))~~ C5.

2. Height and Size.

a. The height limit of the zone shall apply to ~~((minor communication utilities and))~~ accessory communication devices. Exceptions to the height limit may be authorized through the approval of an Administrative Conditional Use (see subsection ~~((C above))~~ C6) ~~((or a Council Conditional Use (subsection D above))~~.

b. The maximum diameter of dish antennas shall be six feet (6').  
Exceptions to the maximum diameter may be authorized for major institutions within a Major Institution Overlay District through the approval of an Administrative Conditional Use (see



subsection C6). ~~((except for major institutions within a Major Institution Overlay District, when regulated as an administrative conditional use in subsection C above.))~~

c. The maximum height of an accessory amateur radio tower shall be no more than fifty (50) feet above existing grade. Cages and antennas may extend to a maximum additional fifteen (15) feet. The base of the tower shall be setback from any lot line a distance at least equivalent to one-half (1/2) the height of the total structure, including tower or other support, cage and antennas.

3. Visual Impacts. All ~~((minor communication utilities and))~~ accessory communication devices, except for facilities located on buildings designated by the Seattle Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio towers, shall meet the standards set forth in Section 23.57.016.

4. Access and Signage. Access to transmitting accessory communication devices ~~((and to minor communication utilities))~~ shall be restricted to authorized personnel by fencing or other means of security. If located on a residential structure or on a public utility, warning signs at every point of access to the transmitting antenna shall be posted with information on the existence of radiofrequency radiation.

5. Reception Window Obstruction. When, in the case of an accessory communications device ~~((or minor communications utility))~~ that would otherwise comply with this section, the strict adherence to all development standards would result in reception window obstruction in all permissible locations on the subject lot, the Director may grant a waiver from development standards of subsections ~~((E1b and E1d))~~ C1b and C1c of this section and the screening requirements of Section 23.57.016. The first waiver to be considered will be reduction, then waiver from screening. Only if these waived regulations would still result in

1 obstruction shall rooftop location be considered. Approval of a waiver shall be subject to the  
2 following criteria:

3 a. The applicant shall demonstrate that the obstruction is a result of  
4 factors beyond the property owner's control, taking into consideration potential permitted  
5 development on adjacent and neighboring lots with regard to future reception-window  
6 obstruction.  
7

8 b. The applicant shall be required to use material, shape and color to  
9 minimize visual impact.  
10

11 c. If a waiver is sought per this subsection to permit a rooftop location,  
12 the maximum permitted height of the device shall be four (4) feet above the existing roofline or  
13 four (4) feet above the zone height limit, whichever is higher.

14 6. Exceptions to Height and Size. Exceptions from subsections C2a and C2b  
15 above may be permitted by Administrative Conditional Use, provided that:  
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17 a. The proposal shall not be significantly detrimental to the residential  
18 character of the surrounding residentially zoned area, and the facility and the location proposed  
19 shall be the least intrusive facility at the least intrusive location consistent with effectively  
20 providing service. In considering detrimental impacts and the degree of intrusiveness, the  
21 impacts considered shall include but not be limited to visual, noise, compatibility with uses  
22 allowed in the zone, traffic, and the displacement of residential dwelling units, and  
23

24 b. Within a Major Institution Overlay District, a major institution may  
25 locate an accessory communication device that exceeds height and size requirements, when:  
26

27 (i) The antenna is at least one hundred feet (100') from a Major  
28 Institution Overlay boundary, and

(ii) The antenna is substantially screened from the surrounding neighborhood's view.

Section 5. Severability. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2003, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
City Clerk

(Seal)

DRAFT